

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

DAVID CHAVEZ,

Plaintiff,

vs.

DOUG HOLLENBECK,

Defendant.

NO. 4:14-cv-5082-JLQ

ORDER ADOPTING MAGISTRATE
JUDGE'S REPORT AND
RECOMMENDATION, DIRECTING
ENTRY OF JUDGMENT, AND
CLOSING FILE

BEFORE THE COURT is Magistrate Judge John T. Rodgers' Report and Recommendation (ECF No. 13) ("R&R"). The R&R recommends dismissal of the action.

On July 31, 2014, Plaintiff David Chavez filed his Civil Rights Complaint against Defendant Doug Hollenbeck, stating as the claim: "Doug Hollenbeck his conclusory allegations of the excessive use of force, assault, illegal search and seizure without probably [sic] cause, as well as allegations of the destruction, the theft and misplacement of personal property, against Doug Hollenbeck with the Prosser city Police Department." Mr. Chavez's relief sought is "monetary damages and his release on personal recognizance." On September 30, 2014, Magistrate Rodgers entered an Order Directing Plaintiff to Amend or File a Motion for Voluntary Dismissal. This Order outlined the Complaint's defects and explained how to properly state a claim under the pleading requirements and gave Mr. Chavez 60 days to file an amended complaint. On October 15, 2014, Mr. Chavez filed a letter with the court, largely repeating the defective language.

On December 10, 2014, Magistrate Rodgers entered the R&R recommending dismissal for failure to state a claim. Pursuant to Fed. R. Civ. P. 72(b)(2), any objection to the R&R was due December 24, 2014. No objection has yet been filed.

1 **IT IS HEREBY ORDERED:** The court hereby adopts Magistrate Rodgers'
2 Report and Recommendation (ECF No. 13). The Clerk of this court shall enter judgment
3 dismissing Mr. Chavez's Complaint (ECF No. 1) with prejudice for failure to state a
4 claim and failure to object to the Report and Recommendation of the Magistrate.

5 **IT IS SO ORDERED.** The Clerk is hereby directed to enter this Order, enter
6 judgment of dismissal with prejudice, furnish copies to Plaintiff, and **CLOSE THE**
7 **FILE.**

8 **DATED** this 7th day of January, 2015.

9 s/ Justin L. Quackenbush
10 JUSTIN L. QUACKENBUSH
11 SENIOR UNITED STATES DISTRICT JUDGE
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